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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 7,255,155 B2

Inventors: Michael J. O'Donnell et al.

Issue Date: August 14, 2007

Serial No.: 10/721,682

Examiner: Tho V. Duong

Filing Date: November 25, 2003

Group Art Unit: 3744

Docket No.: 14-792C2D1 - 3768

Title: HEAT EXCHANGER TUBE WITH INTEGRAL RESTRICTING
AND TURBULATING STRUCTURE

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OFFICE OF PETITIONS

MAIL STOP FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

02/28/2008 DALLEN 00000230 10721682

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**VERIFIED STATEMENT EXPLAINING ERROR IN CONNECTION WITH
SMALL ENTITY STATUS**

Dear Sir or Madam:

This verified Statement is made by the person having personal knowledge to explain how the error in good faith occurred and when it was discovered in connection with the accompanying NOTIFICATION OF ERROR IN PAYMENT OF FEE(S) AS A SMALL ENTITY, for the above-identified Patent Application No. 10/721,682 (hereinafter the "Application").

I, John R. Hlavka, having personal knowledge concerning the above error, declare:

1. I am a member of the intellectual property firm of TAROLLI, SUNHDHEIM, COVELL & TUMMINO, LLP; 1300 East Ninth Street – Suite 1700, Cleveland, OH 44114. I am licensed to practice

before the U.S. Patent and Trademark Office. My U.S. Patent and Trademark Registration No. is 29,076.

2. I am responsible for providing intellectual property law services, including the payment of all fees associated with the Application pre-issue and post-issue, for Beckett Gas, Inc., a corporation organized and existing under the laws of the State of Ohio and having a principal place of business at 38000 Taylor Parkway, North Ridgeville, Ohio 44039.
3. Beckett Gas, Inc. is the assignee of record of the Application.
4. During the prosecution of the '682 application, it was discovered Beckett Gas, Inc. should be considered a "large entity". As a result of this discovery, fee payments were made to the U.S. Patent Office in order to correct the deficiency. Except for the Issue Fee, all subsequent fees were paid as a large entity.
5. The Notice of Allowance and Fees Due form, that was received on April 9, 2007 incorrectly indicated that a small entity Issue Fee was due. The error on the Notice of Allowance went unnoticed and, as a result, the incorrect

U.S. Patent No. 7,255,155 B2

Issue Fee of \$1,000 was paid rather than \$1,700. The payment deficiency was \$700.00

Total deficiency owed: \$700.00. (See enclosed PTO-2038 Form)

6. Any error in paying the above listed fees as a small entity was without deceptive or fraudulent intent.
7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above identified Application.

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 20-0090.

Date: 2/21/08


John R. Hlavka
Reg. No. 29,076

TAROLLI, SUNDHEIM, COVELL
& TUMMINO, LLP
216-621-2234
216-621-4072 (Facsimile)
CUSTOMER NO.: 26294



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**NOTIFICATION OF ERROR IN PAYMENT
OF FEE(S) AS SMALL ENTITY**

Dear Sir or Madam:

On November 25, 2003 Patent Application No. 10/721,682 (U.S. Patent No. 7,255,155 B2) was filed claiming small entity status in good faith. On April 22, 2005, a "Verified Statement Explaining Error in Connection with Small Entity Status" was filed, along with a "Notification of Error in Payment of Small Entity Fee(s) As Small Entity". All fees were brought up to date and paid as large entity. All subsequent fees were paid as large entity, until the issue fee. The Notice of Allowance incorrectly listed the application type as a small entity, and listed small entity fees to be paid. Accordingly, based on the fees listed in the Notice of Allowance, a small entity issue fee was paid.

U.S. Patent No. 7,255,155 B2

Form PTO-2038 is enclosed authorizing credit card payment in the amount of \$700.00.

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 20-0090.

Date: 2/21/08

John R. Hlavka
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Reg. No. 29,076

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